

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

16-cv-1292

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LINDA SEAWRIGHT

DEFENDANTS

CONTRACT CALLERS, INC.

(b) County of Residence of First Listed Plaintiff PHILADELPHIA (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant MONTGOMERY (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) REGINALD ALLEN, ESQUIRE 7601 CRITTENDEN STREET, UNIT F12 PHILADELPHIA, PA 19118

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                                   | DEF                        |
|---|---------------------------------------|----------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): TITLE VII AND THE PHRA

Brief description of cause: EMPLOYMENT DISCRIMINATION - SEX

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 151,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 03/16/2016

SIGNATURE OF ATTORNEY OF RECORD

Reginald Allen

S-T.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MAR 21 2016



# UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 5913 Reach Street, Phila, PA 19120  
 Address of Defendant: 2829 Philmont Avenue, Huntingdon Valley, PA 19006  
 Place of Accident, Incident or Transaction: 2829 Philmont Avenue, Huntingdon Valley, PA 19006  
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases

## 11. ☒ All other Federal Question Cases

(Please specify) Employment Discrimination

## B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Reginald Allen, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 3/17/2016

Reginald Allen  
 Attorney-at-Law

77083

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAR 21 2016

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/17/2016

Reginald Allen  
 Attorney-at-Law

77083

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

*Linda Seawright*  
v.  
*Contract Callers, Inc.*

CIVIL ACTION

16 1292

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>3/16/2016</u>	<u>Reginald Allen</u>	<u>Linda Seawright</u>
Date	Attorney-at-law	Attorney for
<u>(215) 242-3875</u>	<u>(247) 323-2037</u>	<u>Reginald.Allen@comcast.net</u>
Telephone	FAX Number	E-Mail Address

MAR 21 2016



\$400

JP

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

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LINDA SEAWRIGHT  
5913 REACH STREET  
PHILADELPHIA, PA 19120

PLAINTIFF,

V.

CONTRACT CALLERS, INC.  
2829 PHILMONT AVENUE  
HUNTINGDON VALLEY, PA 19006  
DEFENDANT.

: CIVIL ACTION NO.

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: JURY TRIAL DEMANDED

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16 1292

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COMPLAINT

JURISDICTION

1. This matter is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended (Title VII), and the Pennsylvania Human Relations Act (PHRA).

Jurisdiction is based on 28 U.S.C. S 1331 and Title VII. Jurisdiction is also based on diversity of citizenship pursuant to 28 U.S.C. S 1332, and damages recoverable exceed \$75, 000.00 (seventy thousand dollars and zero cents), exclusive of interest and costs. Supplemental jurisdiction for the state law claim is invoked pursuant to 28 U.S.C. S 1367 (a) to hear and adjudicate state law claims.

PARTIES

2. Plaintiff Linda Sea wright (from hereinafter, plaintiff) is a resident of the Commonwealth of Pennsylvania and she currently resides at the address in the caption above.
3. Defendant Contract Callers, Inc. (from hereinafter "defendant") is a corporation in the state of Missouri, which also has a business at the address in the caption above, and it does substantial business in the Commonwealth of Pennsylvania, at the address in the caption above.

#### ADMINISTRATIVE AGENCY REQUIREMENTS

4. Plaintiff filed a charge of discrimination with the United States Equal Opportunity Commission (US EEOC), which was cross filed the Pennsylvania Human Relations Commission at EEOC Charge No. 530-2014-00660 and she received a right to sue letter dated December 22, 2015, which she received on/around December 27, 2015.

#### FACTUAL ALLEGATIONS

5. Plaintiff began working for defendant in/around March 2009 as an hour notice dropper, essentially she would deliver shut off notices for utility companies, which defendant contracted with, for this service, for example, "PECO".

6. Plaintiff performed her duties in no less than a satisfactory manner during her employment with defendant, and she was qualified for her duties at all times relevant to the averments of this complaint.
7. Throughout plaintiff's employment with defendant, she observed that male employees were treated more favorably than female employees, including herself, by defendant management/supervisor(s), including Tamieka Shank.
8. On one occasion, Ms. Shank issued discipline to plaintiff for allegedly being two minutes late in reporting for work, while Shank excused a male counterpart for the same level of alleged lateness.
9. Once, Shank issued work assignments to plaintiff's male counterparts in violation of defendant's policy for issuing such assignments based on seniority – plaintiff had such seniority, and should have been given the work.
10. Shank offered part time assignments to a male employee after he had submitted his resignation, which was inconsistent with defendant's policy, again depriving plaintiff of work.
11. Shank generally treated male employees with more civility than she did plaintiff and other females.



12. Shank would appear to go out of her way to find ways to fire plaintiff.
13. On/around August 19, 2013, plaintiff was fired by defendant after a non-customer allegedly complained against her – defendant knew that plaintiff had not violated any of its policies or work rules, but it chose to fire plaintiff for arbitrary reasons, which were based on sex discrimination.
14. Plaintiff filed a grievance with her union about her termination from employment, and she was reinstated to work, however she was given a “last chance agreement”.
15. Defendant knew that plaintiff had not done anything wrong to warrant being on a last chance agreement.
16. On/around October 8, 2013, defendant fired plaintiff again for allegedly violating her last chance agreement – defendant knew that plaintiff had not committed any offense for which she should have been constituted to violate the last chance agreement, and she had not committed any offense warranting termination from employment.
17. The offenses for which plaintiff was fired on both occasions paled in comparison with offenses committed by male employees of defendant, including employees Henry Brew and Jamal Young, who were not fired

(both of these employees shared the same supervisor as plaintiff).

18. Upon information and belief, there are other male employees of defendant, who committed more egregious acts than plaintiff is alleged to have committed, who were not fired, which defendant knows.

19. Upon information and belief, plaintiff was employed by a male employee

20. As a result of defendant's conduct against plaintiff, she suffered severe economic harm.

21. As a result of defendant's conduct against plaintiff, she suffered severe emotional distress, including that of losing her job shortly after she gave birth, and she lost her means to support her child.

FIRST CAUSE OF ACTION – SEX DISCRIMINATION IN VIOLATION OF TITLE VII

22. Plaintiff incorporates paragraphs 1-21 above as though fully set forth herein.

23. Plaintiff is female.

24. At all times relevant to this action, plaintiff was qualified for her duties and performed them in no less than a satisfactory manner.

25. Defendant fired plaintiff for alleged offenses that she did not commit,



based on her sex, female, and it treated similarly situated male employees who committed more egregious acts than plaintiff, better than plaintiff, and did not fire those male employees.

26. Upon information and belief, plaintiff was replaced by a male employee.

27. Plaintiff suffered severe economic harm as a result of defendant's conduct.

28. Plaintiff suffered severe emotional distress from defendant's conduct.

WHEREFORE, plaintiff requests judgment in her favor against defendant and she requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Punitive damages;
- e. Reasonable Attorney's fees and costs;
- f. Any other relief the Court deems appropriate.

#### SECOND CAUSE OF ACTION – VIOLATION OF THE PHRA

29. Plaintiff incorporates paragraphs 1-28 above as though fully set forth herein.

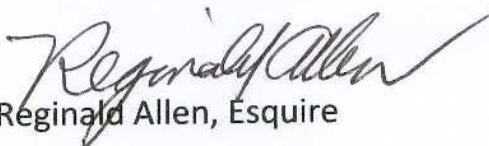
30. Defendant's actions described above constitute sex discrimination in violation of the PHRA.

31. As a result of defendant's aforementioned acts, plaintiff suffered economic harm and severe emotional distress.

WHEREFORE, plaintiff requests judgment in her favor against defendant and requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Any other relief the Court deems appropriate.

Respectfully submitted,

  
Reginald Allen, Esquire